

Message

From: Hanson, Robyn [Hanson.Robyn@epa.gov]
Sent: 4/22/2021 10:35:56 PM
To: Cathy Laughner [cathyl@bkbh.com]
CC: Garcia, Al [garcia.al@epa.gov]; Llamozas, Emilio [Llamozas.Emilio@epa.gov]; Thomas Jodoin [TJODOIN@helenamt.gov]
Subject: RE: Helena

Cathy,

Thank you for your email earlier this week. We believe CWA compliance is still outstanding and look forward to further discussing this matter with you and the City next week on the 29th at 3:30pm as scheduled.

-Robyn

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402.0044.2020_HelenaWWTP

From: Cathy Laughner <cathyl@bkbh.com>
Sent: Monday, April 19, 2021 11:12 AM
To: Hanson, Robyn <Hanson.Robyn@epa.gov>
Cc: Garcia, Al <garcia.al@epa.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Thomas Jodoin <TJODOIN@helenamt.gov>
Subject: Helena

Robyn,

The City has set aside time for a call with EPA on April 29, but at this point we do not understand why the AOC EPA proposed is now necessary. The City has completed the corrective action tasks from the 2017 Audit and 2020 Letter of Violation that could be completed. Impacts from the pandemic have complicated communications and affected personnel as EPA has acknowledged and we hope you take that into account in this case.

According to EPA's May 14, 2020 letter, an AOC is to include enforceable deadlines for taking appropriate action to come into compliance. The City believes it is in compliance and further enforcement is not useful. The 2017 Audit identified 20 findings/allegations needing corrective action. The City has worked on these actions and summarized the current status in the attached listing. But Paragraphs 111 – 123 of the proposed AOC are mostly in addition to the corrective action the Audit required, and the City does not know why the paragraphs in the AOC are different than the corrective actions. The work the City has done and will continue seems sufficient.

The City also does not understand why the AOC requires more than what the pretreatment regulations require, and in some cases conflicts with its current MPDES permit. For example, the AOC imposes quarterly reports of activities and itemized lists and costs which is not in the pretreatment regulations. The City cannot sign up for things it cannot meet or are vague. We are trying to be careful because the City has already experienced miscommunications, or problems concerning terms EPA thinks are clear, but do not have the same meaning to the City. Also, a close look at the pretreatment regulations has revealed to me that they are not as clear-cut as EPA would like them to be.

The City does not understand the purpose of the AOC EPA proposed last November because the audit issues have been resolved and the City continues to implement/update its pretreatment program in accordance with the regulations.

Catherine Laughner